

Serial No.: 10/797,990  
Amendment Dated: July 13, 2005  
Reply to Office Action of May 27, 2005

**AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in the above-captioned patent application:

**Listing of Claims:**

1. (Currently Amended) A method of controlling from a central location a plurality of remote devices having two-way wireless communication capabilities with the central location and being programmed to receive broadcast messages from the central location, comprising the steps of:
  - sending a test broadcast message from the central location to said plurality of remote devices;
  - from those remote devices that receive said test message, sending an acknowledgment message;
  - recording a list of those remote devices that did not receive said test message;
  - sending an actual broadcast message to said plurality of remote devices; and
  - sending by other than broadcasting a copy of said actual broadcast message to those remote devices that did not receive said test message.
2. (Original) A method as set forth claim 1 wherein said plurality of remote devices each include a thermostat whose setting can be changed by a broadcast message.
3. (Original) A method as set forth in claim 2 wherein said actual broadcast message is effective to curtail the temperature setting of said thermostat.
4. (Original) A method as set forth in claim 3 and including the further process of sending another actual broadcast message to remove the curtailment command.

5. (Original) A method as set forth in claim 1 wherein the central location is a site that is accessible to a power utility company via the internet with password protected access.

6. (Original) A method as set forth in claim 1 wherein the actual message operates to automatically adjust a thermostat temperature setting in said remote device.

7. (Original) A method as set forth in claim 1 and including an intermediate step of comparing the number of those devices that received said test message with the total number of devices to indicate a level of test message performance.

8. (Original) A method as set forth in claim 7 and including the step of comparing the number of those devices receiving said actual broadcast message with the total number of devices to obtain an indication of actual broadcast message performance.

9. (Original) A method as set forth in claim 8 and including the step of comparing test message with performance with actual broadcast message performance obtain a level of performance improvement.

10. (Currently Amended) A process of communicating between an energy providing utility and a group of energy users having discretion as to the amount of energy demanded from the utility, comprising the steps of:

broadcasting a test message which each of the group of users is capable of receiving;

for each user that receives the broadcast test message, replying to indicate that the test message has been received;

compiling a list of those users that did not reply to indicate receipt of the test message;

broadcasting to each of the group of users, a curtailment command to adjust the energy demand from each user; and

for those users in the compiled list, sending the curtailment command to each ~~one using individually by a more robust system of communication addressed messages.~~

11. (Original) A process as set forth in claim 10 wherein said energy users are users of a comfort system having a thermostat whose demands settings can be modified.

12. (Original) A process as set forth in claim 10 wherein the step of replying is by way of a wireless communication method.

13. (Original) A process as set forth in claim 11 wherein the steps of broadcasting a test message, replying to indicate receipt, and compiling a list of those users that did not reply is periodically conducted so as to update the list of those users that did not reply.

14. (Original) A process as set forth in claim 11 and including an additional step of broadcasting a message to remove the curtailment command.

15. (Original) A system of communication between a central location and a plurality of remote devices having two-way wireless communication capabilities with the central location, comprising:

means for programming the remote locations for receiving broadcast messages from the central location;

means for sending a test message from the central location to the plurality of remote devices;

means for determining which of the remote devices that received said test message and those that did not;

means for sending an acknowledgement message to the control location from those remote devices that received said test message;

means for recording at the central location those remote devices that did not receive said test message;

means for sending an actual broadcast message to the plurality of remote devices; and

means for sending by other than broadcasting, a copy of said actual broadcast message to those remote devices that did not receive said test message.

16. (Original) A system as set forth in claim 15 where said plurality of remote devices each include a thermostat with settings that can be changed by a broadcast message.

17. (Original) A system as set forth in claim 16 wherein said actual broadcast message is effective to change a temperature setting of said thermostat.

18. (Original) A system as set forth in claim 15 wherein the central location is a site that is accessible to a power utility company via the internet with password protected access.

19. (Original) A system as set forth in claim 15 and including means for comparing the number of those devices that received said test message with the total number of devices to indicate a level of test message performance.

20. (Original) A system as set forth in claim 19 and including means for comparing the number of those devices receiving the actual broadcast message with the total number of devices to obtain an indication of actual broadcast message performance.